

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 11 APR 2001

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Applicant's or agent's file reference EUR 50727/WO		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP00/00034	International filing date (day/month/year) 05/01/2000	Priority date (day/month/year) 27/01/1999	
International Patent Classification (IPC) or national classification and IPC C09J175/12			
Applicant <u>International</u> HUNTSMAN [ICI CHEMICALS] LLC et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 14/07/2000	Date of completion of this report 05.04.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer olde Scheper, B Telephone No. +49 89 2399 2141 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/00034

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-13 as originally filed

Claims, No.:

1-17 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/00034

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims
	No:	Claims 1-17
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-17
Industrial applicability (IA)	Yes:	Claims 1-17
	No:	Claims

2. Citations and explanations
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: WO 95 10555 A (IMPERIAL CHEMICAL INDUSTRIES) 20 April 1995 (1995-04-20) & EP 0 723 561 A cited in the application
- D2: US-A-5 562 148 (SCHNEIDER) 8 October 1996 (1996-10-08)
- D3: CHEMICAL ABSTRACTS, vol. 106, no. 18, May 1987 (1987-05) Columbus, Ohio, US; abstract no. 139474h, TANAKA ET AL: 'Thixotropic polyurethane adhesives' page 52; column 1; XP002114085 & JP 61 228075 A (MYOJO)
- D4: EP-A-0 063 534 (GOODYEAR TIRE AND RUBBER) 27 October 1982 (1982-10-27)

1. Reference is made to Item VIII below.

It should be noted that the claims on file are by no means restricted to the identified compositions (or method) since said compositions (or method) only need to "comprise" the cited compounds.

2. D1 discloses moisture activated compositions based upon MDI and aliphatic tertiary amine group-containing polyols (Example 2; Tables 1,2; page 3, line 22 to page 9, line 11; claims 1-30). The compositions are used as adhesives for engineered lumber products.

In the examples of D1 "Synperonic T 304" is used, which is also used in the present application. The disclosed compositions must therefore fulfil the requirements of the claims on file.

Thus, the subject-matter of independent claims 1, 14 and 16 lacks novelty (Art. 33(2) PCT).

It appears that all specific embodiments of the dependent claims on file are disclosed as well and said claims 2-13, 15 and 17 are deemed to lack novelty as

well (Art. 33(2) PCT).

3. D2 suggests at least isocyanate reactive compounds (column 2, line 50 to column 4, line 34) which may fall under the definition of present claim 1.
4. D3 discloses moisture activated compositions which appear to differ from the compositions presently claimed in that the composition comprises a mixture of a polypropylene ether polyol and a polyamide. There is no indication that aliphatic tertiary amine group-containing polyols are present.
5. D4 discloses moisture activated compositions having isocyanate reactive compounds (page 4, line 16 to page 16, line 30) which may fall under the definition of present claim 1.
6. Since the subject-matter of claims 1-17 lacks novelty, said claims lack an inventive step as well (Art. 33(3) PCT).
7. The present application satisfies the criterion set forth in Article 33 (4) PCT because the subject matter of Claims 1-17 is industrially applicable.

Re Item VIII

Certain observations on the international application

1. The formula used on page 6 appears not correct (Art. 6 PCT).